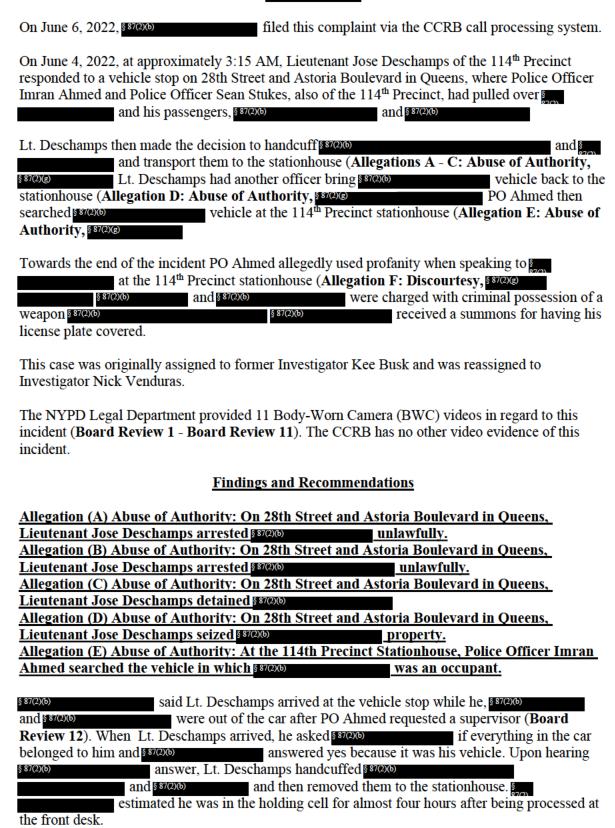
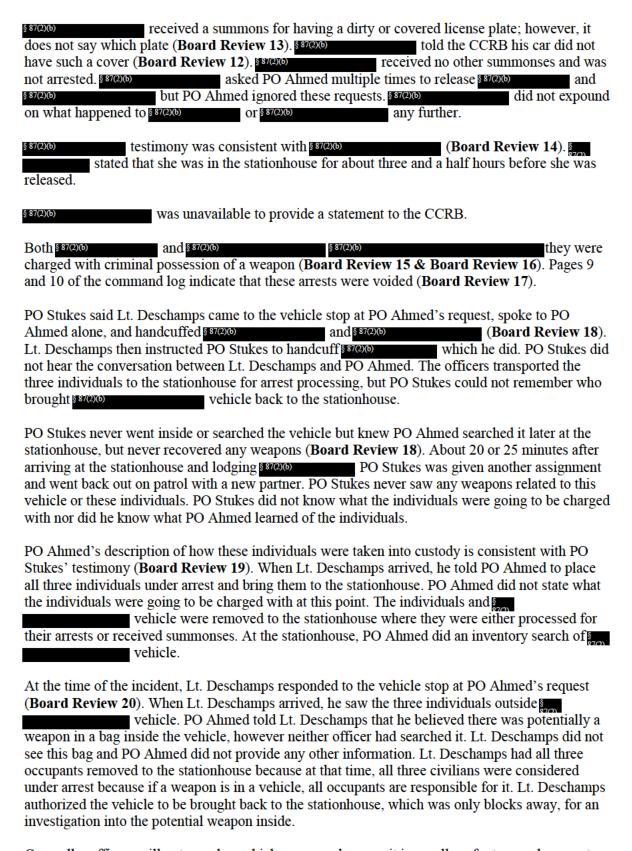
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	\checkmark	Discourt.		U.S.
Nicholas Venduras		Squad #16	202203651	☑	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:			18 N	10. S0	OL	F	Precinct:
Saturday, 06/04/2022 3:15 AM, Saturday, 06/04/2022 4:00 AM		Westbound on 28th Street and Astoria Boulevard 114th Precinct Stationhouse.			12/	4/202	23		114
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Tim	e Rece	eived at CCI	RB	
Mon, 06/06/2022 1:38 PM		CCRB	Call Processing System		Mon, 06/0	06/202	22 1:38 PM		
Complainant/Victim	Туре	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. PO Imran Ahmed	24983	969460	114 PCT						
2. LT Jose Deschamps	00000	931631	114 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
SGT Hector Valdez	03263	953514	FTU 20						
2. PO Sean Stukes	06970	961571	114 PCT						
3. PO Matthew King	27752	972046	114 PCT						
4. PO Brennen Leavy	01630	938830	114 PCT						
5. PO Angelo Bonilla	23471	969530	114 PCT						
6. PO Elias Bardis	16765	957357	FTU 20						
7. PO Anna Garlinska	00324	961524	114 PCT						
8. PO Brian Schaal	17447	970194	114 PCT						
Officer(s)	Allegatio	on			Inv	estiga	ntor Recon	ıme	ndation
A . LT Jose Deschamps		On 28th Street and Astor nt Jose Deschamps arres ly.	0.0000000	eens,					
B . LT Jose Deschamps		On 28th Street and Astor nt Jose Deschamps arres ly.		ens,					
C . LT Jose Deschamps		Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps detained § 87(2)(b)							
D . LT Jose Deschamps	Lieutena	Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps seized \$87(2)(b) property.							
E . PO Imran Ahmed		Abuse: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed searched the vehicle in which was an occupant.							
F . PO Imran Ahmed		esy: At the 114th Precin mran Ahmed spoke disc							

Case Summary

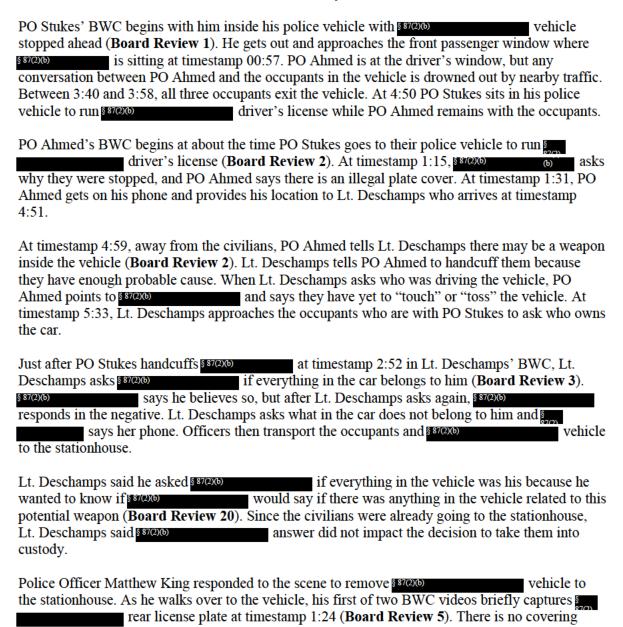




Generally, officers will not search a vehicle on scene because it is usually safer to search a car at

the stationhouse (**Board Review 20**). Lt. Deschamps also said the three individuals being in the "middle of the street" was reason to search the vehicle at the stationhouse, but he stated there was nothing prohibiting Lt. Deschamps or officers from searching this vehicle on-scene during this specific incident.

At the stationhouse, officers lodged the three individuals (**Board Review 20**). PO Ahmed searched the vehicle but did not find any weapons. The only instruction Lt. Deschamps gave to PO Ahmed was sometime before the end of his tour saying if PO Ahmed did not find any weapons, the officers should void the arrests and give a summons to the driver for having a covered rear license plate. Lt. Deschamps did not observe this cover violation, but PO Ahmed told him about it at some point during this incident before he gave his instructions about voiding arrests and writing a summons. Before Lt. Deschamps went home, PO Ahmed told him he did not find anything in the vehicle. Lt. Deschamps did not know if any officers did an inventory search on the vehicle and was unsure if PO Ahmed vouchered the vehicle as he did not see any vouchers.



on the rear license plate and only a license plate frame which does not obscure any of the license plate's information.

There is no BWC footage capturing the front license plate of strong vehicle.

The remainder of PO Stukes' BWC shows the arrest process of the three civilians in the stationhouse (Board Review 1).

Multiple additional officers recorded their participation in this incident, but they are generally consistent with BWC footage already discussed (**Board Review 4**, **Board Review 6** – **Board Review 11**). While these videos capture different angles at times, they do not show any additional information relevant to the allegations.

There is no record of an inventory search in PO Ahmed's memo book (**Board Review 21**). While the command log has entries related to this incident on pages 9 and 10, there is nothing indicating any inventory search was done (**Board Review 17**). The NYPD has returned negative results in response to requests for property vouchers for [STO) vehicle (**Board Review 35**).

<u>Patrol Guide</u> Procedure 208-01 states officers may arrest an individual when they have a reasonable cause to believe that person committed a crime (**Board Review 22**).

<u>Patrol Guide</u> Procedure 212-11 discusses the highest level of a stop, a Level 3 Encounter or a Terry Stop (**Board Review 23**). In such stops, an officer must have an "individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor." In such stops, a civilian is not free to leave.

People v. De Bour, 40 N.Y.2d 210, mirrors the <u>Patrol Guide</u> stating an officer may stop and detain an individual if the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor (**Board Review 33**). It goes on to say a police officer may arrest and take an individual into custody when the officer has probable cause to believe that person has committed a crime.

§ 87(2)(g)		ed the vehicle or recovered a weapon or any evidence of a
crime fron	any of the occupants when	Lt. Deschamps made the determination to arrest
	and § 87(2)(b)	§ 87(2)(g)
		As Lt. Deschamps
testified, h	e was uncertain whether a v	veapon was inside the vehicle at the time of their arrests.
§ 87(2)(b)		
	3.	ers never generated an arrest report for \$87(2)(b)
		e stationhouse with the other occupants, and detained in a
holding ce	ll for hours for suspicion of	criminal possession of a weapon before his release. §87(2)(2)

<u>Patrol Guide</u> Procedure 208-03 tells officers, once an individual is arrested, they are to safeguard that individual's vehicle or other conveyance not required as evidence (**Board Review 37**).

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8 sv(5VB)
<u>Patrol Guide</u> Procedure 218-13 instructs officers to conduct an inventory search whenever any property comes into the custody of the NYPD (Board Review 36). These searches are done to "protect property, ensure against unwarranted claims of theft, and protect uniformed members of the service and others against dangerous instrumentalities." Any valuables removed are to be noted on a Property Clerk Invoice (PD521-141) and any property of little value left inside the vehicle must be documented in the officer's activity log or memo book.
PO Ahmed performed an inventory search of vehicle, but there is no record of an inventory search in the command log or PO Ahmed's memo book. Furthermore, PO Ahmed did not properly document the inventory search on his BWC or property vouchers.
Allegation (F) Discourtesy: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed spoke discourteously to
said officers used "extremely bad language" in his initial complaint with the CCRB's Call Processing System (Board Review 34). In his interview, said about ten minutes before his release, he asked PO Ahmed why he could not have just gotten a ticket on-scene and PO Ahmed answered all NYPD vehicles are "shit and have bad internet," forcing him to take said to the stationhouse (Board Review 12).
did not hear officers speaking discourteously (Board Review 14).
PO Ahmed did not recall making this "shit" statement and neither PO Stukes nor Lt. Deschamps heard PO Ahmed use such language (Board Review 19, Board Review 18 & Board Review 20).
None of the BWC related to this case captured PO Ahmed using profanity.
§ 87(2)(g)
Civilian and Officer CCRB Histories
• This is the first complaint to which sweeps has been a party (Board Review
24). This is the first complaint to which 1970/00 has been a party (Board Bayley 25).
 This is the first complaint to which \$87(2)(b) This is the first complaint to which \$87(2)(b) has been a party (Board Review 25).
26).
 Lieutenant Jose Deschamps has been a member of service for 20 years and has been the subject
in 15 other CCRB complaints and 26 other allegations, three of which were substantiated. 201403590 involved a substantiated allegation of a refusal to process a civilian complaint against Lt. Deschamps. The Board made no recommendation and the NYPD imposed Command Discipline A/Formalized Training.

 201909309 involved substantiated allegations of a threat of summons and a discourteous word against Lt. Deschamps. The Board recommended Command Discipline B and the NYPD imposed no penalty. § 87(2)(g) Police Officer Imran Ahmed has been a member of service for two years and has been the subject in two other CCRB complaints and three other allegations, none of which were substantiated. § 87(2)(g) Mediation, Civil and Criminal Histories This case was not suitable for mediation. As of February 14, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 27 – Board Review 29). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] **RPBP History** This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing. Squad: 16 Investigator: Nick Venduras Inv. Nicholas Venduras July 13, 2023 Print Title & Name Signature Date

IM Patrick Yu

Print Title & Name

Print Title & Name

Squad Leader:

Reviewer:

Patrick Yu

Signature

Signature

07/13/2023

Date

Date